

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0220/1dn

ARG:kjf:pg

September 27, 2005

ATTN: Scott Loomans

Please review the attached draft carefully to ensure that it is consistent with your intent.

I believe the information provided for the drafting instructions, discussed at our meeting and derived from information supplied by the US DOT, is basically another way of saying that the bill will not conflict with federal law if it applies only to noncommercial motor vehicles operating in intrastate commerce. I have prepared this draft along the lines of the drafting instructions at our meeting, but I believe a better way to accomplish the same result would be to say, for example in created s. 194.05 (4), "This chapter shall not apply to any farm truck or dual purpose farm truck combined with any semitrailer or farm trailer, or any vehicle combined with a horse trailer, if the vehicle combination is operated solely in intrastate commerce and is not, and does not include, a commercial motor vehicle, as defined in s. 340.01 (8)."

The creation of s. 194.38 (2) in the attached draft is arguably unnecessary now, but I have retained it from AB-342. I have added a reference to 49 CFR 390 so that the federal citations include federal vehicle marking provisions under 49 CFR 390.19 and 390.21.

Please let me know if you would like any changes made to the attached draft or if you have any questions.

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